

REMARKS

This Amendment is submitted in full response to the outstanding Office Action dated January 30, 2006, on the merits of the above-referenced application, and a request for an appropriate extension of time is enclosed herewith along with a check in the amount of the corresponding PTO fee. Accordingly, in consideration of the Amendments and Remarks presented herein, and the Declaration attached hereto, re-consideration of this application is hereby respectfully requested.

In the present Office Action, claims 59-78 stand rejected under 35 U.S.C. 112, first paragraph, and under 35 U.S.C. 103(a), claims 1-58 having been cancelled via prior amendment.

I. Claim Rejections Under 35 U.S.C. 112, First Paragraph.

To begin, claims 59-78 have been rejected under 35 U.S.C. 112, first paragraph, first, for failing to comply with the written description requirement, and second, for failing to comply with the enablement requirement. In particular, the Office Action states that the present application does not disclose an "inbound port" and an "outbound port" as recited in the claims, and further, that a contradiction is created by such recitation.

In the interest of moving the present application to allowance, claims 59-78 have been amended or canceled to eliminate all recitation of an "inbound port" or an "outbound port," and to assure proper antecedent basis. Applicant, however, respectfully

disagrees that 35 U.S.C. 112 provides a basis for rejection of the claims, and submits that the recitation of an "inbound port" and an "outbound port" in claims 59-78 as previously presented is sufficient to convey to a person of ordinary skill in the art at the time of invention that Applicant had possession of the invention and, further, to enable one of ordinary skill in the art to make and use the invention.

Simply stated, one of ordinary skill in the art at the time of invention would have understood that an "inbound port" of a subject device is structured to permit a communication pathway to be initiated and established to the subject device by an external device, and that an "outbound port" is structured to permit the subject device to initiate and establish a communication pathway from the subject device to an external device, and that the "outbound port" is further structured to prevent an external device from initiating and establishing a communication pathway to the subject device through the "outbound port." It would also have been understood to one of ordinary skill in the art at the time of invention that an "inbound port" permitting access by an external device and an "outbound port" preventing access by an external device, are not contradictory.

The specification of the present application clearly supports the foregoing, stating that "remote management methods have traditionally required each unit to monitor all incoming messages and respond to incoming requests for reconfiguration from an off-

site administration machine. Such a method requires that each gateway server maintain **an open port for incoming requests**, thus, rendering each unit vulnerable to attack by a hacker." (page 3, lines 13-17, **emphasis added**). The present specification further states:

[i]n other words, an administration machine . . . would reconfigure each gateway server by remotely accessing each unit and "pushing" configuration data to each unit (i.e., sending or writing new configuration data onto the gateway server). **Those "push" methods would require each gateway server** to monitor and respond to incoming requests for reconfiguration from an off-site administration machine, thus, requiring each unit **to maintain an open port for incoming requests**. Those open ports would render each unit vulnerable to attack by a hacker." (page 5, line 28 - page 6, line 5, **emphasis added**).

Applicant submits that it would have been understood to one of ordinary skill in the art at the time the invention was made that an "open port" as disclosed at this point in the specification to be an open "inbound port" as it is structured to permit a communication pathway to be initiated and established by an external device, i.e., the open "inbound port" permits an external administration machine to initiate and establish a communication pathway through which to proceed to reconfigure the gateway device. Further, it would have been understood to one of ordinary skill in the art that an "open port" as disclosed at this point in the

specification to be an open "inbound port" because such an open "inbound port" readily permits unauthorized access to the gateway device, such as, via a computer hacker, to initiate and establish a communication pathway to the gateway server, or an administration machine. As stated in Applicant's provisional patent application at page 1, lines 26-27, open [inbound] internet ports maintained for incoming requests for reconfiguration can be exploited by a hacker.

The present specification further provides that in a preferred embodiment of the present invention:

the administration site 110 places configuration data on the mail server 135 for **retrieval by the gateway site 150 through a communication pathway 140**. Since the gateway site is "pulling" (rather than "pushing") the configuration data from the mail server 135 according to a defined schedule, **no open port is required** [to monitor and respond to incoming requests for reconfiguration] **as in previous methods** and, therefore, the system is less vulnerable to penetration from hackers or other unwanted intruders. (page 6, line 27 - page 7, line 3).

Once again, it would have been understood to one of ordinary skill in the art at the time of the invention that the "open port" disclosed at this point in the specification is also an open "inbound port," as described above, because the system is less "vulnerable to penetration from hackers or other unwanted intruders," since no "open port" is required to monitor and respond to incoming requests for reconfiguration, as in prior art systems,

which is among the disadvantages the present invention was specifically developed to overcome. Further, although not explicitly disclosed, it is implicit and would have been understood to one of ordinary skill in the art that if there is no open "inbound port" of the gateway device which may be utilized to establish the communication pathway between the mail server and the gateway device, then an open "outbound port" of the gateway device must be utilized to permit the gateway device to establish a communication pathway with the mail server and to permit the gateway device to retrieve or "pull" configuration data from the mail server through the open "outbound port" of the gateway device.

It is the simplicity of the foregoing which at least in part renders the present invention novel and non-obvious, i.e., the present invention provides a system wherein data is retrieved or "pulled" from a remote device by a target device via **an open "outbound" port of a target device through a communication pathway initiated and established by the target device**, the open "outbound" port being structured to prevent an external device from initiating and establishing a communication pathway to the target device. More specifically, as noted above, **an open "inbound" port of a target device permits a communication pathway to the target device to be initiated and established by an external device**, such as an external device operated by a computer hacker or other unauthorized personnel. Therefore, an open "inbound" port invites unauthorized access to a target device, permitting a communication pathway to

the target device to be initiated and established by an external device thereby enabling data to be "pushed" onto the remote device by the external device, as well as allowing the external device to retrieve or "pull" data from the target device, whereas an open "outbound" port is structured to **prevent an external device from initiating and establishing a communication pathway to the target device**, thereby controlling access to the target device by external devices.

As noted above, the previously presented claims which remain pending in the present application have been amended to eliminate all recitation of "inbound port" and "outbound port" and, as such, the rejections under 35 U.S.C. 112, first paragraph, are believed to be overcome as moot.

II. Claim Rejections Under 35 U.S.C. 103(a).

In addition, claims 59-71 have been rejected under 35 U.S.C. 103(a) as unpatentable over previously cited U.S. Patent No. 6,230,194 to Frailong et al. in view of the cited book by Stallings and U.S. Patent No. 6,272,549 to Daniel; and, claims 72-78 have been rejected as unpatentable over Frailong in view of Stallings, Daniel, and U.S. Patent No. 6,532,343 to Smith, also previously cited.

Once again, Applicant respectfully disagrees with the characterization of the cited references and maintains that the claims which remain pending in the present application, either as

previously presented or as specifically amended or added herein, are not obvious in view of any combination of the references cited to date with respect to the present application. As such, each of the claims which remain pending in the present application is believed to be in condition for immediate allowance. Prior to addressing specific claim rejections under 35 U.S.C. 103(a), a review of the requirements for a proper claim rejection under 35 U.S.C. 103(a) is believed to be warranted.

As an initial matter, Section 2142 of the Manual of Patent Examining Practice sets forth the following criteria regarding claim rejections under 35 U.S.C. 103(a):

ESTABLISHING A PRIMA FACIE CASE OF OBVIOUSNESS

To establish a prima facie case of obviousness, three basic criteria must be met. **First, there must be some suggestion or motivation**, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, **to modify the reference or to combine reference teachings**. Second, there must be a reasonable expectation of success. **Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations**. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the

inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). MPEP §2142 (**emphasis added**).

With regard to this initial burden, the MPEP further provides that:

THE PRIOR ART MUST SUGGEST THE DESIRABILITY OF THE CLAIMED INVENTION

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Lee, 277 F.3d 1338, 1342-44, 61 USPQ2d 1430, 1433-34 (Fed. Cir. 2002) (discussing the importance of relying on objective evidence and making specific factual findings with respect to the motivation to combine references). MPEP §2143.01 (**emphasis added**).

Additionally, MPEP §2143.01 further provides that if a "proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)."

In view of this legal framework, Applicant respectfully submits that the present Office Action fails to establish a prima facie case of obviousness to support of the rejection of previously presented claims under 35 U.S.C. 103(a).

A. Independent Claims 59 and 71.

As noted above, the present Office Action states that claims 59-71 are unpatentable over Frailong in view of Stallings and further in view of Daniel. With respect to independent claims 59 and 71, the Office Action states, in part, that Frailong suggests an administrative machine structured to transmit an encrypted file to a "remote email server" (column 7 lines 60-63 and column 14 line 63 to column 15 line 15)", a "remote email server" structured to receive the encrypted file from the administration machine and to temporarily store the encrypted file (column 15 lines 16-21); and a remote network interface structured to retrieve the encrypted file from the "remote email server" (column 15 lines 64-67). The Office Action further asserts that "[a]t the time the invention was made, it would have been obvious to a person of ordinary skill in the art to compress the data for e-mail transmission as disclosed by

Stalling in the system of Frailong," and further, that "one of ordinary skill in the art would have been motivated to do this because compression would save space for email transmission." The Office Action further states that Frailong does not disclose inbound and outbound ports and assumes, incorrectly, that the present claims recite a device which opens a port to receive mail and closes the port after the message has been received or sent. The Office Action then asserts that at the time the invention was made, "it would have been obvious to a person of ordinary skill in the art to open the ports when receiving email and then closing them when the process is complete as in the system of Daniel in the system of Frailong," and that "[o]ne of ordinary skill in the art would have been motivated to do this because closing the ports would free the memory (Daniel column 8 lines 51-52)."

To begin, Applicant's Amendment dated May 14, 2004 refuted the assertion that Frailong, i.e., the '194 patent, discloses any "remote email server" structured to receive an encrypted file from an administration machine. Specifically, Applicant's Amendment of May 14, 2004, stated, in part, that:

"the specification of the '194 patent, and in particular, column 5, lines 45-51, and the Internet Service Provider or ISP as indicated by reference numeral 204 in Figure 2 of the '194 patent, are cited by the Examiner in support of the rejection of independent claim 1. However, this portion of the specification of the '194 patent only indicates that:

By providing a configuration management function within remote management server 206 which is registered with an ISP 204, it is possible to download configuration and

upgrade information and parameters to gateway interface device 208 at the time the gateway interface is first installed between the client network 220 and the telephone client 204. (column 5, lines 45-51).

The Applicant respectfully maintains that the foregoing disclosure does not identify any 'remote email server,' rather, it merely indicates that the remote management server (206) is 'registered with an ISP,' which, as is well known, is necessary to obtain access to the internet. Registration with an ISP, however, does not equate to a 'remote email server.' Even in the event that 'registered with an ISP' were so broadly interpreted so as to encompass a 'remote email server,' there is nothing in the specification which suggests that any portion of the ISP is configured to 'receive' an encrypted file, or any other file, for that matter, from the remote management server (i.e. 'the administration machine'), and 'store' the encrypted file. In fact, and again looking to the specification of the '194 patent, the Applicant notes that the disclosure is actually directed to the contrary, stating that:

Remote management server 206 interacts with gateway interface device 208 to provide configuration information and upgrade parameters required by the gateway interface device 208. **In this manner, remote management server 206 basically serves as a repository for information required by gateway interface device 208.** Such information may include configuration information related to LAN 210, internet address blocks, internet domain names, and data related to the physical and logical interfaces between the client network 220 and the ISP 204. (column 5, lines 23-32, emphasis added).

Thus, it is clear that the '194 patent encompasses a system wherein a remote management server, which appears to be akin to the administrative machine of the claimed invention, stores the configuration data required to update a gateway device." (Applicant's Amendment dated May 14, 2004, pages 16-17)¹.

¹ It is noteworthy that in response to Applicant's Amendment dated May 14, 2004, the subsequent Office Action dated August 12, 2004, stated that "Applicant's arguments filed 5/14/04 have been fully considered and are found persuasive," and the rejections under 35 U.S.C. §102(e) as anticipated by Frailong were abandoned. Further, Applicant's arguments that Frailong fails to teach a "remote email

Furthermore, the newly cited portions of the Frailong patent which purport to disclose a "remote email server," do not alter the foregoing analysis and conclusion that Frailong does not disclose a "remote email server" as disclosed in the present application and as recited in the currently pending claims. Specifically, the present Office Action relies upon the following additional disclosure in Frailong:

Such services that may interface with the system software include web service, **electronic mail service**, and other similar computer programs and application programs. (column 7, lines 60-63).

This disclosure in Frailong, however, merely refers to the fact that the operating system software utilized by a gateway interface device disclosed by Frailong may support an "electronic mail service," however, providing support for an electronic mail service in system operating software does not equate to a system or method incorporating an actual "remote email server" which is specifically structured to receive an encrypted file transmitted from an administration machine, as disclosed in the present application or as recited in the currently pending independent claims 59 and 71.

The present Office Action further relies upon the following:

The second protocol for communication between the

server" as disclosed in the present application and recited in the currently pending claims, were never challenged in any subsequent Office Action.

remote management server and the gateway interface device involves the software upgrade process. In one embodiment of the present invention, the upgrade process involves a full upgrade of the system software residing in the gateway interface device as opposed to a partial upgrade of the system software. The full upgrade thus involves an upgrade of 100% of the bits comprising the gateway interface device software. For example, such an upgrade could be necessary if an entirely new revision of network interface software is made available to client networks. The upgrade process thus ensures that the latest version or a common version of system software is running on all networks supported by a remote management server.

In one embodiment of the present invention, the upgrade process consists of transmitting an upgrade package and three scripts which implement the upgrade procedure. These scripts include a pre-install script, an install script, and a post-install script. For security purposes, the upgrade package is cryptographically authenticated and encrypted. (column 14, line 63 to column 15, line 15).

The Office Action also references Frailong as follows:

The first step of the upgrade process involves making the upgrade package available on selected remote server sites which are capable of transmitting files using the TCP/IP file transfer protocol (FTP). These FTP sites provide the upgrade package for download to client networks which request the upgrade. (column 15, lines 16-21).

During the time period specified by the fetch time window, the gateway interface device retrieves the upgrade package from the specified FTP site, step 1016. Upon retrieving the upgrade package . . . (column 15, lines 63-67).

Once again, however, Applicant's Amendment dated May 14, 2004, addressed the significant distinction between the present invention and Frailong's disclosure utilizing FTP sites to facilitate the transfer of configuration data to a remote gateway device, as follows:

"[a]lthough the '194 patent contains some limited disclosure wherein 'the gateway interface device retrieves the upgrade package from the specified FTP site, step 1016,' (column 15, lines 65-66), significant differences remain between this type of system and the invention of the present application in which the 'gateway server ... retrieve[s] the encrypted file from the email server,' as recited in independent claim 1.

The present application clearly addresses and distinguishes the use of FTP to effect remote configuration, the specification stating that:

Alternatively, methods of allowing pre-configuration scripts to be backed up from one unit and applied to another via means such as file transfer protocol (FTP) are among other methods of remote configuration. These remote management methods have traditionally required each unit to monitor all incoming messages and respond to incoming requests for reconfiguration from an off-site administrative machine. **Such a method requires that each gateway server maintain an open port for incoming requests, thus, rendering each unit vulnerable to an attack by a hacker.** (specification, page 3, lines 11-17, emphasis added).

This is clearly the type of system to which the '194 patent is directed. Looking once again to the specification of the '194 patent, it states that:

The remote management server sends a notification message to gateway interface device within client networks which are to be upgraded ... The notification message includes four parameters ... the third parameter is address of the FTP site where the upgrade is available. (column 15, lines 24-38, emphasis added).

The foregoing illustrates that the '194 patent contemplates a system wherein an administrative port must remain open on a gateway device in order to receive a 'notification message' from the management device, as well as to receive the upgrade information via the FTP site. In each instance, the open administrative port of the system of the '194 patent provides a potential point of access for a security breach and, as such, renders such systems vulnerable to attack.

This is in direct opposition to the system recited in independent claim 1 of the present application wherein the 'gateway server ... retrieve[s] the encrypted file from the email server,' thereby eliminating an open administrative port during system configuration and/or upgrade, and thus, eliminating this avenue of attack to the system.

Thus, the Applicant respectfully submits that the '194 patent also fails to disclose 'a gateway server configured to retrieve the encrypted file from the email server' identically and in complete detail as recited in independent claim 1 of the present application." (Applicant's Amendment dated May 14, 2004, pages 18-20).

Based upon the foregoing, Applicant respectfully submits that the present Office Action fails to establish a prima facie case of obviousness because the prior art reference(s) fail to teach or suggest all of the claim limitations, specifically, the cited references fail to teach or suggest a "remote email server" as disclosed in the present application and as recited in claims 59 and 71, either as previously presented or as amended herein. Further, the references fail to teach or suggest that a "remote network interface is further structured to retrieve the encrypted file from the remote email server without first requiring receipt

of an incoming request for reconfiguration from the administration machine," or a " remote gateway server structured to prevent a port from opening to monitor for an incoming request for reconfiguration from the administration machine, thereby eliminating a communication pathway for unauthorized access," as recited in claims 59 and 71 as amended herein, respectively.

Further, Applicant submits that the Office Action fails to establish a prima facie case of obviousness because there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references in the manner suggested in the Office Action in order to solve the problem confronted by Applicant and as recited in currently pending claims 59 or 71.

Specifically, the present invention is directed to a system and method for secure configuration of a remote device. However, the Office Action states that the "motivation" to combine the cited references is "because compression would save space for email transmission" and "because closing the ports would free the memory." While admittedly saving space for transmission and freeing memory are valid considerations in the broad overall field of computer system design and operation, they are far from being of primary or even secondary concerns when faced with the problem of system security, as is disclosed in the present application and recited in the currently pending claims. Thus, the Office Actions falls short of meeting the initial burden to provide some

suggestion of the desirability of doing what the inventor has done or to present a convincing line of reasoning as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the unrelated teachings of Stallings and Daniel, to address the problem of system security as disclosed and claimed in the present application. Thus, Applicant submits that claims 59 and 71 are not obvious in view of any combination of the references cited in the present case.

Applicant further submits that the Office Action fails to establish a prima facie case of obviousness because the proposed modification would render the prior art invention of Daniel unsatisfactory for its intended purpose, thus, once again, there is no suggestion or motivation to make the proposed modification as presented in the Office Action with respect to claims 59 and 71.

Specifically, Daniel states that:

[a]lthough the electronic mail system may use the conventional TCP/IP protocol to communicate between computers, and thus, **penetrates the firewall**, e-mail is a commonly accepted process and is allowed to penetrate the firewall in most computer systems. Many corporations today severely limit the exchange of TCP/IP traffic but place little or no restrictions on electronic mail, so TCPEmail can connect processes that would otherwise not be able to make use of interprocess communication. (column 2, lines 4-12, **emphasis added**).

Daniel also provides that:

FIG. 4 shows a flowchart of **a server process** within the present invention **that would receive the data sent by the client process** described above with respect to FIG. 3 . . . [a]fter initializing TCPEmail, **step 404 sets up a listen request to allow a remote client to connect to this server process.** After a remote client . . . connects to this server process, **step 406 creates a socket for exchanging data with the TCPEmail process.** Once the socket has been created, control goes to step 408 which reads data from the TCPEmail process. After reading the data, step 410 stores the data. Step 412 then determines if there are more data to be received, and if so, step 412 transfers back to step 408 to receive the additional data. After all data has been received, step 412 transfers to step 414 which calls the TCPEmail exit process of FIG. 8 to terminate the TCPEmail processing. (column 7, lines 20-37, **emphasis added**).

And further, Daniel teaches that:

Those skilled in the art will recognize that the server described above with respect to FIG. 4 could be programmed to communicate to multiple client processes simultaneously and to exchange bi-directional data with the client process. (column 7, lines 38-42).

Thus, it is clear from the foregoing that the invention disclosed by Daniel utilizes standard TCP/IP in combination with electronic mail such that the combination is specifically intended to breach known security measures, e.g., "penetrates the firewall," as well as to facilitate open communication pathways to numerous devices and to permit bi-directional data exchanges with the same.

Further, and more importantly, Daniel is specifically structured to open a socket, or port, to "listen" for an incoming request from a remote, i.e., external, device, and to permit the remote "external" device to connect and establish a socket, or communication pathway, and to permit the remote device to exchange data, i.e., push or pull, to the server process.

Conversely, the present invention is specifically structured to prevent uncontrolled and unauthorized access to a remote device, and further, to limit bi-directional data exchanges with such remote devices. Additionally, claims 59 and 71, as amended herein, specifically recite that "the remote network interface is further structured to retrieve the encrypted file from the remote email server without first requiring receipt of an incoming request for reconfiguration from the administration machine," and a "remote gateway server structured to prevent a port from opening to monitor for an incoming request for reconfiguration from the administration machine, thereby eliminating a communication pathway for unauthorized access," respectively.

Thus, modification of the invention of Daniel for incorporation into the invention disclosed in the present application and recited in currently pending claims 59 and 71, as amended herein, would render the prior art invention of Daniel unsatisfactory for its intended purpose, i.e., facilitating unsecured communication pathways between numerous devices, and vice versa. As such, Applicant once again submits that independent

claims 59 and 71 are not obvious in view of any combination of the references cited in the present case.

In view of the foregoing, and in light of the amendments presented herein, Applicant respectfully submits that independent claims 59 and 71 are not obvious in view of any combination of the references cited in the present matter, and that these claims are in condition for immediate allowance.

Further, Applicant submits that each claim currently pending in the present application depending either directly or indirectly from either independent claim 59 or 71, is also in condition for immediate allowance, such action being respectfully requested, as these claims are now dependent upon an allowable independent claim as well as being non-obvious in view of the references cited in the present Office Action based, at least in part, upon the reasons presented above with respect to independent claims 59 and 71.

B. Independent Claim 64.

The present Office Action also states that claim 64 is unpatentable over Frailong in view of Stallings and further in view of Daniel, and repeats the reasoning addressed above with respect to claim 59 and 71, even though claim 64, as previously presented, does not recite an "administration machine" or a "remote email server."

The Office Action does present as an additional basis for the rejection of independent claim 64, that Frailong discloses a remote

network device structured to retrieve the at least one file from the remote staging platform in response to a polling of the remote staging platform by the at least one remote network device. (column 15 lines 64-67 and Fig. 10).

The Office Action, however, fails to acknowledge what Frailong clearly discloses, i.e., that "**[t]he remote management server sends a notification message to gateway interface device** within the networks which are to be upgraded, step 1016." (column 15, lines 24-26, **emphasis added**). Frailong does not disclose retrieval of any file in response to any "polling" by a remote network device, as recited in claim 64, rather, as clearly stated above, Frailong discloses a gateway interface device which relies upon monitoring and receipt of an incoming "notification message" from a remote management server to direct the gateway interface device to a specific FTP site during a specific timeframe, i.e., a "fetch time window", in order to retrieve a file from a remote staging platform, or FTP site. As should be understood from the foregoing, Frailong thus specifically requires that a gateway interface device maintain an open "inbound" port to receive an incoming request for reconfiguration from a remote management server, in direct contradistinction to the present invention as recited in claim 64, and Applicant respectfully submits further that Frailong discloses no other possible means to accomplish this step.

Independent claim 64, as amended herein, further recites that "the remote network device [is] further structured to retrieve the

at least one file from the remote staging platform via standard mail transfer protocol, without first requiring receipt of an incoming request for reconfiguration from the administration machine," and further that "the remote network device [is] structured to prevent any port from opening to monitor for an incoming request for reconfiguration from an administrative site, thereby eliminating an open port for unauthorized access."

Based upon the foregoing, Applicant respectfully submits that the office Action fails to establish a prima facie case of obviousness because the prior art reference(s) fail to teach or suggest all of the claim limitations, specifically, the cited references fail to teach or suggest a "remote network device structured to retrieve the at least one file from the remote staging platform in response to a polling of the remote staging platform by the at least one remote network device," as disclosed in the present application and as recited in claim 64 as previously presented or as amended herein. Further, Applicant submits that the cited references fail to teach or suggest that "the remote network device [is] further structured to retrieve the at least one file from the remote staging platform via standard mail transfer protocol, without first requiring receipt of an incoming request for reconfiguration from the administration machine," and further that "the remote network device [is] structured to prevent any port from opening to monitor for an incoming request for reconfiguration from an administrative site, thereby eliminating an open port for

unauthorized access," as recited in claim 64 as amended herein.

For the reasons presented above with respect to claims 59 and 71, Applicant further submits that the Office Action fails to establish a prima facie case of obviousness because there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references in the manner suggested in the Office Action in order to solve the problem confronted by Applicant, and further, because the proposed modification would render the prior art invention of Daniel unsatisfactory for its intended purpose, thus, there is no suggestion or motivation to make the proposed modification as presented in the Office Action with respect to claim 64.

In view of the foregoing, and in light of the amendments presented herein, Applicant respectfully submits that independent claim 64 is not obvious in view of any combination of the references cited in the present matter, and that this claim is in condition for immediate allowance, such action being respectfully requested.

Further, Applicant submits that each claim currently pending in the present application which depends either directly or indirectly from independent claim 64 is also in condition for immediate allowance, once again, such action being respectfully requested, as these claims are now dependent upon an allowable independent claim as well as being non-obvious in view of the

references cited in the present Office Action based, at least in part, upon the reasons presented above with respect to independent claim 64.

C. Independent Claim 72.

The Office Action also states that independent claim 72 is rejected based on Frailong, Stallings, and Daniel, as presented in respect of claim 59. The Office Action notes, however, that these references do not discuss creating a configuration database with encrypted data from the configuration database to produce the encrypted file, and looks to Smith to provide these missing limitations. In particular, the Office Action states that "[a]t the time the invention was made, it would have been obvious to one of skill in the art to create a database as in the system of Smith in the system of Frailong," and that "[o]ne of ordinary skill in the art would have been motivated to do this because databases are methods of organizing data in a convenient and easy way."

For the reasons stated above with respect to independent claims 59 and 71, Applicant respectfully submits that the office Action fails to establish a prima facie case of obviousness because the prior art reference(s) fail to teach or suggest **all** of the claim limitations, specifically, the cited references fail to teach or suggest a "remote email server" as disclosed in the present application and as recited in claim 72, either as previously presented or as amended herein. Further, the references fail to

teach or suggest "retrieving the encrypted file from the remote email server by a remote gateway device via standard mail transfer protocol without first requiring receipt of an incoming request for reconfiguration from the administration machine," or "periodically transmitting an email message from the remote gateway device to the administrative site via the remote email server to confirm the remote gateway device is operating in accordance with correct configuration data," as recited in claim 72 as amended herein.

In addition, and for the reasons stated above with respect to claims 59 and 71, Applicant submits that the Office Action fails to establish a prima facie case of obviousness because there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references in the manner suggested in the Office Action in order to solve the problem confronted by Applicant and as recited in currently pending claim 72. Furthermore, the Office Actions falls short of meeting its initial burden to provide some suggestion of the desirability of doing what the inventor has done or to present a convincing line of reasoning as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in view of the references cited in the present Office Action. Also, and again for the reasons stated above with respect to claims 59 and 71, Applicant submits that the because the proposed modification would render the prior art invention of Daniel unsatisfactory for its intended

purpose, there is no suggestion or motivation to make the proposed modification as presented in the Office Action with respect to claim 72.

Applicant further submits that the Office Action fails to establish a prima facie case of obviousness because there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the reference to Smith in the manner suggested in the Office Action in order to solve the problem confronted by Applicant and as recited in currently pending claim 72.

Specifically, and as previously stated, the present invention is directed to a system and method for secure configuration of a remote device. However, the Office Action states that the "motivation" to combine Smith with the other cited references is because "databases are methods of organizing data in a convenient and easy way." As before, while it is true that databases permit organizing data in a convenient and easy way, and that this may well be a valid consideration in the broad overall field of computer system design and operation, this is not of primary concern when faced with the problem of system security, as is disclosed in the present application and recited in the currently pending claims. Thus, Office Actions again falls short of meeting the initial burden to provide some suggestion of the desirability of doing what the inventor has done or to present a convincing line

of reasoning as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the unrelated teachings of Stallings and Daniel and Smith, in order to address the problem of system security as disclosed and claimed in the present application. Thus, Applicant submits that claim 72 is not obvious in view of any combination of the references cited in the present case.

Therefore, in light of the amendments presented herein, Applicant respectfully submits that independent claim 72 is not obvious in view of any combination of the references cited in the present matter, and that this claim is in condition for immediate allowance, such action being respectfully requested.

Further, Applicant submits that each claim currently pending in the present application which depends either directly or indirectly from independent claim 72 is also in condition for immediate allowance, once again, and such action is respectfully requested at this time, as these claims are now dependent upon an allowable independent claim as well as being non-obvious in view of the references cited in the present Office Action based, at least in part, upon the reasons presented above with respect to independent claim 72.

D. Secondary Considerations.

In addition to the foregoing analysis of the present claim rejections under 35 U.S.C. 103(a), Applicant's significant

commercial success attributable to the specific technology comprised by the present application, and as recited in the currently pending claims must be considered.

Specifically, the Examiner is directed to the Attachment enclosed herewith, specifically, the "Declaration of Peter C. Castle Pursuant to 37 C.F.R. §1.132." As stated therein, Mr. Castle is the Chief Financial Officer of NetWolves Corporation, the assignee of the present application, and that NetWolves has experienced a significant increase in revenue directly attributable to the specific technology comprised by the present application from Fiscal Year 2003 through Fiscal Year 2005. Specifically, Mr. Castle has declared that this increase in revenue was approximately \$1.2 MM, representing an increase in revenue directly attributable to the specific technology comprised by the present application of approximately 159%, and further that, this increase in revenue is not a result of any commensurate increase in marketing expenditures and efforts, which was essentially constant.

The Declaration further states that a representative of one of NetWolves' clients, General Electric Consumer Finance, stated that NetWolves' products were selected only "[a]fter extensive due diligence in looking for the all-in-one small office solution for network management, interconnectivity and security management." Thus, it is reasonable to conclude that the significant increase in revenue by NetWolves' which are directly attributable to the specific technology comprised by the present application is a

result of a long felt need in the market, and that the specific technology comprised by the present application provides a viable solution for that long felt need.

In view of the foregoing, Applicant once again respectfully submits that the claims which remain pending in the present application are not properly rejected as obvious under 35 U.S.C. 103(a), in light of the actual and significant commercial success attributable to specific technology comprised by the present application and as recited in the pending claims therein, and the apparent and long felt need in the market for this technology.

III. New Independent Claim 79.

As a final matter, Applicant has added new independent claim 79 via the present amendment, and asserts that new independent claim 79 contains no new matter.

Rather, new independent claim 79 comprises a number of the limitations which are specifically discussed above as independently provides a basis for allowability of a corresponding claim in view of the various references cited in the present Office Action. As such, and by virtue of the combination of these various limitations, independent claim 79 is also believed to be in condition for immediate allowance based upon the reasons set forth above for each of the limitations recited therein.

Accordingly, based on the foregoing Amendments and Remarks, the Examiner is respectfully requested to reconsider her position

with regard to the present application. Since nowhere in the art is this new, novel and non-obvious invention found, taught, or suggested, it is urged that this case is now clearly in condition for allowance and, accordingly, such action is respectfully solicited.

In the event that any additional fees are required as a result of filing of this paper, an Authorization to Charge Fees to Deposit Account, **Deposit Account No. 13-1227**, is being filed contemporaneously herewith. Please note that our docket number related to this matter is **1.300.04**.

Respectfully submitted,

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